

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN GABOR, ET AL.,

Plaintiffs,

v.

MIRIAM CARTER DESHLER, et al.,

Defendants.

Case No. 17-cv-01524-LHK (SVK)

**ORDER ON PLAINTIFFS' SEPARATE  
DISCOVERY DISPUTE STATEMENT**

Re: Dkt. No. 71

Before the Court is the separate discovery dispute statement filed by Plaintiffs John and Kay Gabor concerning the failure of Defendants Rebecca Harris and Kristin Humphrey to respond to interrogatories and requests for production served by Plaintiffs on November 14, 2017. ECF 71. On November 22, 2017, the District Judge granted the motion of Defendants' counsel to withdraw. ECF 69. One condition of granting the motion was that counsel deliver the complete case file, including any discovery requests received, to Defendants by November 29, 2017. *Id.* On November 29, 2017, Defendants' former counsel confirmed his compliance with the order granting his motion to withdraw as counsel, "including by emailing Defendants a copy of the Discovery Requests propounded by Plaintiffs on November 14, 2017." ECF 70. According to Plaintiffs, Defendants have not only failed to respond to the November 14 discovery requests, but they have also failed to meet and confer with Plaintiffs or cooperate in preparation of a joint discovery letter brief in accordance with this Court's Civil Scheduling and Discovery Standing Order despite numerous efforts by Plaintiffs to reach Defendants. Defendants also have not filed a response to Plaintiffs' separate discovery dispute statement.<sup>1</sup> In their statement, Plaintiffs request

<sup>1</sup> Defendants have also failed to file an answer or serve initial disclosures. The District Judge has advised Plaintiffs that they may choose to seek entry of default with the Clerk's Office and, if the Clerk enters default, to file a motion for default judgment. ECF 77.

1 “an Order to Show Cause to Defendants to determine if Defendants will be participating in this  
2 litigation at all.” ECF 71.

3 The Court will treat Plaintiffs’ separate discovery dispute statement as a motion to compel  
4 responses to the written discovery served on Defendants. Good cause appearing, the Court  
5 GRANTS Plaintiffs’ motion to compel and ORDERS that no later than **February 5, 2018**,  
6 Defendants must serve responses to the following discovery requests served by Plaintiffs on  
7 November 14, 2017: (1) Interrogatories to Rebecca Harris (Set No. 1); (2) Requests for  
8 Production to Rebecca Harris (Set No. 1); (3) Interrogatories to Kristin Humphrey (Set No. 1); and  
9 (4) Requests for Production to Kristin Humphrey (Set No. 1). Defendants’ failure to respond by  
10 February 5, 2018 will result in waiver of any objections to the discovery and may entitle Plaintiffs  
11 to other appropriate relief.

12 **SO ORDERED.**

13 Dated: January 25, 2018

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16 SUSAN VAN KEULEN  
17 United States Magistrate Judge  
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